

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOSEPH JUAN BUTTERCASE,

Petitioner,

vs.

SCOTT R. FRAKES, Director, Nebraska  
Department of Correctional Services;

Respondent.

**8:18CV131**

**MEMORANDUM AND ORDER**

This matter is before me on my own motion. Plaintiff recently filed a civil Complaint in Case No. 8:21CV435 naming counsel for Respondent, Erin Tangeman, as the Defendant. The Complaint contains allegations accusing me of conspiring and colluding with Ms. Tangeman to deprive Plaintiff of his constitutional rights in the course of these federal habeas proceedings. (*See* Filing 1, Case No. 8:21CV435.) Though I am not named as a defendant, my impartiality might reasonably be questioned in this matter because of the allegations levied against me by Plaintiff in Case No. 8:21CV435, and I am disqualifying myself pursuant to 28 U.S.C. § 455(a).<sup>1</sup>

IT IS THEREFORE ORDERED that the clerk's office shall randomly assign a new judge to this case and request a reassignment order from the Chief Judge. The chief pro se staff attorney will assist the judge to whom the case is reassigned if requested to do so.

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<sup>1</sup> I am also disqualifying myself in Case No. 8:21CV435 for the same reasons.

Dated this 18th day of November, 2021.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf  
Senior United States District Judge